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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Jin Yong Kim

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LEE, HONG, DEGERMAN, KANG & WAIMEY

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EXAMINER

AGUSTIN, PETER VINCENT

ART UNIT

PAPER NUMBER

2627

NOTIFICATION DATE

DELIVERY MODE

04/07/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/092,703	Applicant(s) KIM, JIN YONG	
	Examiner Peter Vincent Agustin	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,7,8 and 10-25 is/are pending in the application.
- 4a) Of the above claim(s) 11-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,7,8,10 and 23-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 4, 7, 8 & 10-25 are currently pending, with claims 11-22 withdrawn from consideration, and claims 1, 4, 7, 8, 10 & 23-25 being examined.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 24, 2009 has been entered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 4, 7, 8, 10 & 23-25 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites that the read-only recording medium comprises a lead-in area, a main data area, and a lead-out area, wherein one of the plurality of predetermined data units comprises a first data type and a second data type, *both of which are located at the main data area*. The examiner recognizes that optical recording media of the type disclosed by the applicant typically

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include a lead-in area, a main data area, and a lead-out area, and therefore, these elements are likely inherent in applicant's invention. However, it is noted that the applicant is completely silent regarding the specific arrangement of the lead-in area, main data area, and lead-out area, in relation to the first and second data types, and there is no such disclosure of *both the first and second data types being in the main data area*.

Claims 4, 7, 8, 10 & 23-25 are dependent upon claim 1.

5. As far as the claims are supported by the original specification, the following art rejections are made.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 4, 7, 8 & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heemskerk et al. in view of Lee et al. (US 6,442,128).

In regard to claim 1, Heemskerk et al. disclose a read-only recording medium (abstract, line 1: "a record carrier of a read-only type") containing a plurality of predetermined data units (Figure 3), the read-only recording medium comprising: a main data area (shown in Figure 3), wherein one of the plurality of predetermined data units comprises a first data type (information units 32, 34, 36) and a second data type (linking areas 33 & 35), both of which are located at the main data area (shown in Figure 3), the first data type including user data (column 4, line 55: "information unit"), and the second data type being preceded and followed by the first data type

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and not containing the user data (as shown in Figure 3), wherein the first data type comprises at least one error correcting code (ECC) data unit (column 3, lines 44-46: “the unit comprises a number of frames which contain Error Correction Codes”) on which an error correction is performed, and the at least one error correcting code (ECC) data unit comprises a plurality of sub-units (it is well known that in optical storage media, each ECC data unit comprises “sectors”), and wherein a total size of the first data type and the second data type is equal to a size of a predetermined data unit to be used in a writable recording medium (abstract, lines 3-5: “the information unit is the minimal unit for error correction according to a format for writable record carriers”; column 3, lines 60-65: “the linking area is introduced in the read-only record carrier having the same or similar contents as the writable record carrier”, “the read device does not have to detect which type of record carrier is to be read, as the format of data storage is equal”), which is a counterpart of the read-only recording medium (abstract: “compatibility with recordable record carriers”), the predetermined data unit comprising the user data and invalid data (column 1, lines 58-60: “the area between the information units does not contain valid information, and is called a linking area”).

However, Heemskerk et al. do not explicitly disclose: in regard to claim 1, (a) a lead-in area and a lead-out area; and (b) that the second data type comprises identification information for detecting the second data type when the plurality of predetermined data units are reproduced.

Lee et al. disclose: in regard to claim 1, (a) a lead-in area and a lead-out area (see Figure 2); and (b) identification information (Figure 2) for detecting a second data type (see b28, which indicates linking data).

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In regard to (a), it would have been obvious to one of ordinary skill in the art at the time of invention to have used a lead-in area and a lead-out area with the recording medium of Heemskerk et al., as suggested by Lee et al., the motivation being to enable management of information and accessing control of information stored in the recording medium (these are well known purposes of lead-in and lead-out areas).

In regard to (b), it would have been obvious to one of ordinary skill in the art at the time of invention to have applied this teaching of Lee et al. to the read-only recording medium of Heemskerk et al., the motivation being to distinguish between rewriteable, read-only, or linking data on an ID area where information relating to basic recording units is stored on a unit-by-unit basis (column 2, lines 50-55).

In regard to claim 4, Heemskerk et al. disclose that the second data type (linking areas 33 & 35) comprises the invalid data (column 1, lines 58-60: “the area between the information units does not contain valid information, and is called a linking area”), wherein a size of the second data type is equal to a size of the invalid data of the predetermined data unit to be used in the writable recording medium (column 3, lines 60-65: “the linking area is introduced in the read-only record carrier having the same or similar contents as the writable record carrier”).

In regard to claim 7, Heemskerk et al. disclose that a size of the second data type is equal to a size of the invalid data to be allocated intermittently (column 1, lines 58-60: “the area between the information units does not contain valid information, and is called a linking area”, i.e., linking areas are intermittently allocated between information units) in the user data of the writable recording medium (column 3, lines 60-65: “the linking area is introduced in the read-only record carrier having the same or similar contents as the writable record carrier”).

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In regard to claim 8, Heemskerk et al. disclose that a data of a predetermined pattern is formed in the second data type repeatedly (column 5, lines 7-9: “the run-in field and the run-out field [which belong to the linking area] may be filled with a predetermined pattern of marks”).

In regard to claim 10, Heemskerk et al. disclose that the data of the predetermined pattern is used for servo-control (column 5, line 19: “access control data”).

8. Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heemskerk et al. and Lee et al. as applied to claim 1 above, and further in view of the admitted prior art.

For a description of Heemskerk et al. and Lee et al., see the rejection above. However, Heemskerk et al. and Lee et al. do not explicitly disclose: in regard to claim 23, that the second data type has a length of 2K bytes or less; in regard to claim 24, that the second data type has a same size as one sub-unit; and in regard to claim 25, that the sub-unit is a sector.

The admitted prior art discloses: in regard to claim 23, a second data type having a length of 2K bytes or less (see Figure 2 and page 3, last paragraph through page 4, first paragraph: “linking loss area”); in regard to claim 24, that the second data type has a same size as one sub-unit (note that one sector of Figure 1B is 2kB); and in regard to claim 25, that the sub-unit is a sector (see Figure 1).

It would have been obvious to one of ordinary skill in the art at the time of invention to have applied the teachings of the admitted prior art to the recording medium of Heemskerk et al. and Lee et al., the motivation being to provide sufficient buffering, thereby preventing erroneous reproduction of data (page 4, second paragraph).

Response to Arguments

9. Applicant's arguments with respect to the features of canceled claim 2 have been considered but are moot in view of the new ground(s) of rejection (see rejection under 35 U.S.C. § 112-1st paragraph above). As noted, the applicant is completely silent regarding the specific arrangement of the lead-in area, main data area, and lead-out area, in relation to the first and second data types, and there is no such disclosure of *both the first and second data types being in the main data area*.

10. In response to applicant's arguments (see pages 8-10) regarding the Lee and Sasaki references, the reference to Sasaki has been withdrawn. Therefore the arguments based on Sasaki are now moot. After careful consideration, it is found that the Lee et al. reference discloses the claimed lead-in and lead-out areas. Therefore, as noted above, claim 1 is now rejected based only on the combination of Heemskerk et al. and Lee et al.

Contact Information

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Vincent Agustin whose telephone number is (571) 272-7567. The examiner can normally be reached on Monday-Thursday 8:30 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter Vincent Agustin/
Primary Examiner, Art Unit 2627